IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.
Criminal Application No. 3069/2006 in
Criminal Appeal No.715 of 2004

Office Notes, Office Memoranda of Coram, : Appearances, Court's orders or directions : Court's or Judge's orders and Registrar's orders.

Mr. R.M. Daga, Advocate, for the Applicant.
Mr. A.D. Sonak, A.P.P. for the Respondent.

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CORAM : K. J. ROHEE &
C. L. PANGARKAR, JJ
DATED : SEPTEMBER 26, 2006

Heard the counsel for the parties.

2. Nine persons were tried for various offences out of whom seven persons were convicted for the offences punishable under Sections 147, 148, 302 read with 149 of I.P.C. All of them preferred appeal against their conviction and sentence.

3. Original accused no.7 Kalu @ Prabhu was released on bail by this Court by order dated 19.7.2005 whereas accused no.5 Umesh was released on bail by this Court by order dated 17.7.2006. The present application is moved by original accused no.2 Rajesh.

4. The evidence against accused no.2 regarding holding of identification parade is

similar to that as against accused nos.5 and 7. No weapon was seized from accused no.7 whereas swords having blood stains were recovered from accused nos. 5 and 2. The clothes of accused no. 7 were stained with the blood of the group belonging to deceased. Similar is the case with accused no.2 whereas no blood was found on the clothes of accused no.5. It is thus apparent that on one count the case of accused no.2 Rajesh is similar to that of accused no.7 whereas on another count it is similar to accused no.5. In view of this on the ground of parity, he will have to be released on the bail. Hence we pass the following order:-

Applicant/original accused no.2 Rajesh be released on his executing personal recognizance for Rs.25,000/- with one surety in the like amount.

JUDGE **JUDGE**

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